

Ballot Title Setting Board

Proposed Initiative 2007-2008 #75¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Revised Statutes concerning civil liability for criminal conduct by business entities, and, in connection therewith, allowing a Colorado resident to bring an action for civil damages against a business entity or its executive officials for the entity's failure to perform a specific duty imposed by law; conditioning executive officials' liability upon their knowledge of the duty imposed by law and of the business entity's failure to perform such duty; allowing an award of damages in the civil action to the governmental entity that imposed the specific duty to be performed by the business entity; permitting an individual who brings a successful civil action to be awarded attorney fees and costs; and allowing an executive official who discloses to the attorney general all facts known to the official concerning a business's criminal conduct to use that disclosure as an affirmative defense to the civil charges.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Revised Statutes concerning civil liability for criminal conduct by business entities, and, in connection therewith, allowing a Colorado resident to bring an action for civil damages against a business entity or its executive officials for the entity's failure to perform a specific duty imposed by law; conditioning executive officials' liability upon their knowledge of the duty imposed by law and of the business entity's failure to perform such duty; allowing an award of damages in the civil action to the governmental entity that imposed the specific duty to be performed by the business entity; permitting an individual who brings a successful civil action to be awarded attorney fees and costs; and allowing an executive official who discloses to the attorney general all facts known to the official concerning a business's criminal conduct to use that disclosure as an affirmative defense to the civil charges?

Hearing March 19, 2008:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 3:14 p.m.

¹ Unofficially captioned "**Criminal Conduct by Businesses – Civil Liability**" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.